

18C01-2010-CT-000111

Delaware Circuit Court 1

Filed: 10/19/2020 12:46 PM  
Clerk  
Delaware County, Indiana

STATE OF INDIANA ) DELAWARE CIRCUIT/SUPERIOR COURT  
 )  
 )SS:  
 COUNTY OF DELAWARE ) SITTING IN \_\_\_\_\_, INDIANA

ANNETTE PADGETT )  
 )  
 Plaintiff, )  
 )  
 v. ) Cause No.  
 )  
 ANONYMOUS, DNP, APRN-BC, )  
 ANONYMOUS, MSW, )  
 ANONYMOUS INTERN and )  
 ANONYMOUS SERVICES CORP. )  
 )  
 Defendants.

**COMPLAINT FOR MEDICAL MALPRACTICE****COUNT I**

**COMES NOW**, the plaintiff, **ANNETTE PADGETT**, by counsel, and for her cause of action against the defendant, **ANONYMOUS, DNP, APRN-BC ("DNP")**, alleges and says as follows:

1. At all times relevant hereto, **Samuel Al-Samarrie, Deceased** was a patient of **DNP**.
2. At all times relevant hereto, **DNP** was a nurse practitioner duly licensed to practice medicine under the laws of the State of Indiana.
3. On or about October 4, 2018 and continuing through November 17, 2018, **DNP** undertook the care and treatment of **Samuel Al-Samarrie, Deceased**.
4. In caring for and treating **Samuel Al-Samarrie, Deceased**, **DNP** failed to comply with the applicable standards of care proximately causing the death of **Samuel Al-Samarrie, Deceased** on or about November 17, 2018.

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5. At all times relevant hereto, the plaintiff, **Annette Padgett** was the Parent and Natural Guardian of **Samuel Al-Samarrie, Deceased**.

6. As a further direct and proximate result of said acts and omissions on the part of **DNP**, the plaintiff, **Annette Padgett**, lost the love and affection of her child, has suffered great emotional distress and mental trauma, and has incurred reasonable medical and related expenses and reasonable funeral and burial expenses.

**WHEREFORE**, the plaintiff, **ANNETTE PADGETT**, prays for damages against the defendant, **ANONYMOUS, DNP, APRN-BC**, as are reasonable in the premises, the costs of this action, pre-judgment interest, and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173

Attorneys for the Plaintiff

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

## **COUNT II**

**COMES NOW**, the plaintiff, **ANNETTE PADGETT**, by counsel, and for her cause of action against the defendant, **ANONYMOUS, MSW ("MSW")**, alleges and says as follows:

1. At all times relevant hereto, **Samuel Al-Samarrie, Deceased** was a patient of **MSW**.

2. At all times relevant hereto, **MSW** was duly licensed to provide healthcare under the laws of the State of Indiana.

3. On or about October 4, 2018 and continuing through November 17, 2018, **MSW** undertook the care and treatment of **Samuel Al-Samarrie, Deceased**.

4. In caring for and treating **Samuel Al-Samarrie, Deceased**, **MSW** failed to comply with the applicable standards of care proximately causing the death of **Samuel Al-Samarrie, Deceased** on or about November 17, 2018.

5. At all times relevant hereto, the plaintiff, **Annette Padgett** was the Parent and Natural Guardian of **Samuel Al-Samarrie, Deceased**.

6. As a further direct and proximate result of said acts and omissions on the part of **MSW**, the plaintiff, **Annette Padgett**, lost the love and affection of her child, has suffered great emotional distress and mental trauma, and has incurred reasonable medical and related expenses and reasonable funeral and burial expenses.

**WHEREFORE**, the plaintiff, **ANNETTE PADGETT**, prays for damages against the defendant, **ANONYMOUS, MSW**, as are reasonable in the premises, the costs of this action, pre-judgment interest, and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173

Attorneys for the Plaintiff

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

**COUNT III**

**COMES NOW**, the plaintiff, **ANNETTE PADGETT**, by counsel, and for her cause of action against the defendant, **ANONYMOUS INTERN ("Intern")**, alleges and says as follows:

1. At all times relevant hereto, **Samuel Al-Samarrie, Deceased** was a patient of **Intern**.

2. At all times relevant hereto, **Intern** was duly licensed or authorized to provide healthcare under the laws of the State of Indiana.

3. On or about October 4, 2018 and continuing through November 17, 2018, **Intern** undertook the care and treatment of **Samuel Al-Samarrie, Deceased**.

4. In caring for and treating **Samuel Al-Samarrie, Deceased**, **Intern** failed to comply with the applicable standards of care proximately causing the death of **Samuel Al-Samarrie, Deceased** on or about November 17, 2018.

5. At all times relevant hereto, the plaintiff, **Annette Padgett** was the Parent and Natural Guardian of **Samuel Al-Samarrie, Deceased**.

6. As a further direct and proximate result of said acts and omissions on the part of **Intern**, the plaintiff, **Annette Padgett**, lost the love and affection of her child, has suffered great emotional distress and mental trauma, and has incurred reasonable medical and related expenses and reasonable funeral and burial expenses.

**WHEREFORE**, the plaintiff, **ANNETTE PADGETT**, prays for damages against the defendant, **ANONYMOUS INTERN**, as are reasonable in the premises, the costs of this action, pre-judgment interest, and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173

Attorneys for the Plaintiff

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

#### **COUNT IV**

**COMES NOW**, the plaintiff, **ANNETTE PADGETT**, by counsel, and for her cause of action against the defendant, **ANONYMOUS SERVICES CORP. ("Corp.")**, alleges and says as follows:

1. At all times relevant hereto, **Samuel Al-Samarrie, Deceased** was a patient of **Corp.**

2. At all times relevant hereto, **Corp.** was a corporation duly organized under the laws of the State of Indiana.

3. At all times relevant hereto, **ANONYMOUS, DNP, APRN-BC, ANONYMOUS, MSW, ANONYMOUS INTERN** and the skilled agents, apparent agents, employees and personnel of **Corp.** were acting within the scope of their agency, apparent agency and employment relationship with **Corp.**

4. On or about October 4, 2018 and continuing through November 17, 2018, **Corp.** and its agents, apparent agents, employees and personnel cared for and treated **Samuel Al-Samarrie, Deceased**.

5. In caring for and treating **Samuel Al-Samarrie, Deceased, ANONYMOUS, DNP, APRN-BC, ANONYMOUS, MSW, ANONYMOUS INTERN**, and the agents, employees and personnel of **Corp.**, while acting within the scope of their agency and employment relationship with **Corp.**, failed to comply with the applicable standards of care proximately causing the death of **Samuel Al-Samarrie, Deceased** on or about November 17, 2018.

6. At all times relevant hereto, the plaintiffs, **Annette Padgett**, was the Parent and Natural Guardian of **Samuel Al-Samarrie, Deceased**.

7. As a further direct and proximate result of said acts and omissions on the part of **Corp.**, the plaintiff, **Annette Padgett**, lost the love and affection of her child, has suffered great emotional distress and mental trauma, and has incurred reasonable medical and related expenses and reasonable funeral and burial expenses.

**WHEREFORE**, the plaintiff, **ANNETTE PADGETT**, prays for damages against the defendant, **ANONYMOUS SERVICES CORP.**, as are reasonable in the premises, the costs of this action, pre-judgment interest, and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173-49

Attorneys for the Plaintiff

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

**JURY DEMAND**

***COMES NOW*** the plaintiff, by counsel, and demands trial by jury.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173-49

Attorneys for the Plaintiffs

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF DELAWARE )  
 DELAWARE CIRCUIT COURT 1  
 CAUSE NO. 18C01-2010-CT-000111

ANNETTE PADGETT, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ANONYMOUS DNP, APRN-BC, )  
 ANONYMOUS MSW, ANONYMOUS )  
 INTERN, and ANONYMOUS SERVICES )  
 CORP. )  
 )  
 Defendants. )  
 )

**APPEARANCE BY ATTORNEY IN CIVIL CASE**

**Party Classification:** Initiating {} Responding {X} Intervening {}

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s) **Anonymous DNP, APRN-BC, Anonymous MSW, Anonymous Intern, and Anonymous Services Corp.**

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Names:

Philip E. Kalamaros (#11722-71)  
 Michael G. Getty (#17150-49)  
 HUNT SUEDHOFF KALAMAROS LLP  
 301 State Street, PO Box 46  
 Saint Joseph, MI 49085  
 Telephone: 269.983.4405  
 Facsimile: 269.983.5645

3. There are other party members: Yes {} No {X}. If yes, list other party members not represented by these attorneys.

4. *If first initiating party filing this case*, the Clerk is requested to assign this case the following Case Type under Administrative Rule 9(b)(3): N/A.

5. I will accept service by fax at the above noted number: Yes{} No. {X}.



6. This case involves support issues. Yes {} No. {X}.
7. There are related cases: Yes {} No. {X}.
8. This form has been served on all other parties. Certificate of Service is attached: Yes {X} No. {}.
9. Additional information required by state or local rule: N/A.

HUNT SUEDHOFF KALAMAROS LLP

/s/ Michael G. Getty

Philip E. Kalamaros (#11722-71)

Michael G. Getty (#17150-49)

*Attorney for Defendants*

301 State Street, PO Box 46

Saint Joseph, MI 49085

Tel: 269.983.4405

Email: [mgetty@hsk-law.com](mailto:mgetty@hsk-law.com)

**Authority: Pursuant to Trial Rule 3.1, this form shall be filed at the time an action is commenced or when a party first appears. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of a change in information previously provided to the court. This format is approved by the Division of State Court Administration.**

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing Appearance was filed and served upon all counsel of record via the Court's electronic filing/service system, this 3rd day of November, 2020.

/s/ Michael G. Getty

Michael G. Getty

STATE OF INDIANA )  
 )SS:  
 COUNTY OF DELAWARE )  
 Delaware Circuit Court 1  
 DELAWARE CIRCUIT/SUPERIOR COURT  
 SITTING IN \_\_\_\_\_, INDIANA

ANNETTE PADGETT )  
 )  
 Plaintiff, )  
 )  
 v. ) Cause No.  
 )  
 ANONYMOUS, DNP, APRN-BC, )  
 ANONYMOUS, MSW, )  
 ANONYMOUS INTERN and )  
 ANONYMOUS SERVICES CORP. )  
 )  
 Defendants. )

**SUMMONS**

THE STATE OF INDIANA TO DEFENDANT: ANONYMOUS SERVICES CORP.  
 MERIDIAN HEALTH SERVICES CORP.  
 c/o JENNIFER J. ABRELL  
 324 W. JACKSON STREET  
 MUNCIE, IN 47305

You have been sued by the person(s) identified as "Plaintiff," in the Court stated above.

The nature of the suit against you is stated in the complaint which is attached to this SUMMONS. It also states the demand which the plaintiff has made against you.

You must either personally or by your attorney file your answer to the COMPLAINT with the Clerk within twenty (20) days commencing the day after this SUMMONS and the COMPLAINT were personally served upon you or your agent or left for your by the Sheriff of other process server.

In the event the SUMMONS and COMPLAINT were left for you and you then receive by first class mail (not certified) a copy of the SUMMONS alone, this mailing is merely a confirmation that the SUMMONS and COMPLAINT were previously left for you. You should not consider the date on which you receive the mailed SUMMONS as the commencement date for the time period allowed for your answer. Rather, the time period allowed for your written answer commences on the date when the SUMMONS and COMPLAINT were first personally served upon you or your agent or left for you by the Sheriff or other process server.

However, if you or your agent first received the SUMMONS and the COMPLAINT by certified mail, you have twenty-three (23) days from the date of receipt to file your written answer with the Clerk.

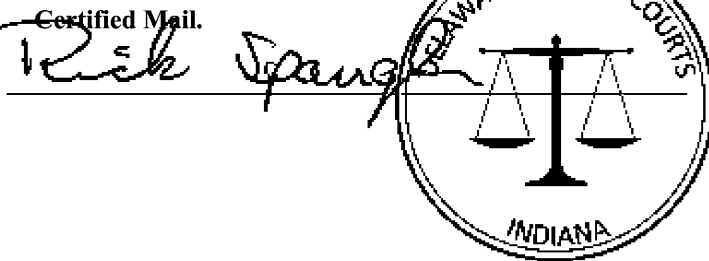
If you fail to answer the COMPLAINT of the Plaintiff within the times prescribed herein, judgment will be entered against you for what the Plaintiff has demanded.

If you have a claim against the Plaintiff arising from the same transaction or occurrence, you may be required to assert such claim in writing together with your written answer.

The following manner of service is hereby designated: Certified Mail.

**Counsel for Plaintiff:**  
 Barry D. Rooth, #6418-45  
 Holly S.C. Wojcik, # 23197-64  
 THEODOROS & ROTH PC  
 8750 Broadway, Ste. A  
 Merrillville, IN 46410  
 219/769-6393

Date: \_\_\_\_\_



**PREPARATION DATA:**

All Summonses are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.  
 If service is by certified mail a properly addressed envelope shall be provided for each Defendant.

Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each

return receipt, which shall be returnable to the Clerk at the address of the Court.

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, I mailed a copy of this SUMMONS and a copy of the COMPLAINT to the Defendant, by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.

Clerk of the DELAWARE Circuit and Superior Courts

Dated: \_\_\_\_\_, 2020. By: \_\_\_\_\_  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT mailed to Defendant \_\_\_\_\_, was accepted by the Defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Clerk of the DELAWARE Circuit and Superior Courts

Dated: \_\_\_\_\_, 2020. By: \_\_\_\_\_  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within SUMMONS:

1. By delivering on \_\_\_\_\_, 2020, a copy of this SUMMONS, a copy of the COMPLAINT and all other materials filed the same date to each of the within named person(s).

2. By leaving on \_\_\_\_\_, 2020, for each of the within person(s) \_\_\_\_\_ a copy of the SUMMONS, a copy of the COMPLAINT and all other materials filed the same date at the respective dwelling house or usual place of abode of \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the SUMMONS without the COMPLAINT to the said named person(s) at the address listed herein.

3. This SUMMONS came to had this date, \_\_\_\_\_, 2020. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 2020.

ALL DONE IN DELAWARE COUNTY, INDIANA.

SHERIFF OF DELAWARE COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

A copy of the within SUMMONS, a copy of the COMPLAINT and all materials filed the same date attached thereto were received by me at \_\_\_\_\_ in \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 2020.

\_\_\_\_\_  
Signature of Defendant

Delaware Circuit Court 1

Delaware County, Indiana

STATE OF INDIANA )  
)SS:  
COUNTY OF DELAWARE )

DELAWARE CIRCUIT/SUPERIOR COURT

SITTING IN \_\_\_\_\_, INDIANA

ANNETTE PADGETT

Plaintiff,

v.

Cause No.

ANONYMOUS, DNP, APRN-BC,  
ANONYMOUS, MSW,  
ANONYMOUS INTERN and  
ANONYMOUS SERVICES CORP.

Defendants.

SUMMONS

THE STATE OF INDIANA TO DEFENDANT: ANONYMOUS INTERN  
MAGGIE GLASS  
c/o MERIDIAN HEALTH SERVICES CORP.  
240 N. TILLOTSON AVENUE  
MUNCIE, IN 47304

You have been sued by the person(s) identified as "Plaintiff," in the Court stated above.

The nature of the suit against you is stated in the complaint which is attached to this SUMMONS. It also states the demand which the plaintiff has made against you.

You must either personally or by your attorney file your answer to the COMPLAINT with the Clerk within twenty (20) days commencing the day after this SUMMONS and the COMPLAINT were personally served upon you or your agent or left for your by the Sheriff of other process server.

In the event the SUMMONS and COMPLAINT were left for you and you then receive by first class mail (not certified) a copy of the SUMMONS alone, this mailing is merely a confirmation that the SUMMONS and COMPLAINT were previously left for you. You should not consider the date on which you receive the mailed SUMMONS as the commencement date for the time period allowed for your answer. Rather, the time period allowed for your written answer commences on the date when the SUMMONS and COMPLAINT were first personally served upon you or your agent or left for you by the Sheriff or other process server.

However, if you or your agent first received the SUMMONS and the COMPLAINT by certified mail, you have twenty-three (23) days from the date of receipt to file your written answer with the Clerk.

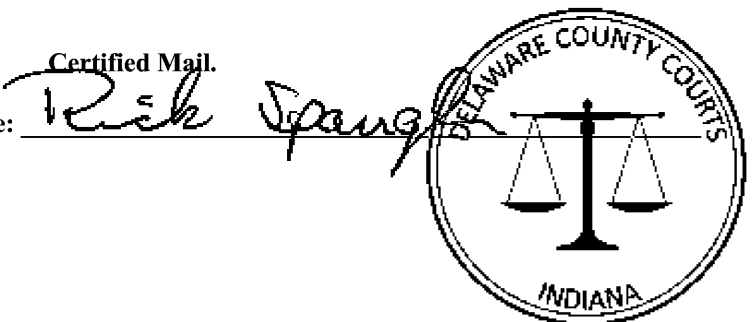
If you fail to answer the COMPLAINT of the Plaintiff within the times prescribed herein, judgment will be entered against you for what the Plaintiff has demanded.

If you have a claim against the Plaintiff arising from the same transaction or occurrence, you may be required to assert such claim in writing together with your written answer.

The following manner of service is hereby designated: Certified Mail.

Counsel for Plaintiff:  
Barry D. Rooth, #6418-45  
Holly S.C. Wojcik, # 23197-64  
THEODOROS & ROTH PC  
8750 Broadway, Ste. A  
Merrillville, IN 46410  
219/769-6393

Date:



PREPARATION DATA:

All Summonses are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.  
If service is by certified mail a properly addressed envelope shall be provided for each Defendant.

Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each

return receipt, which shall be returnable to the Clerk at the address of the Court.

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, I mailed a copy of this SUMMONS and a copy of the COMPLAINT to the Defendant, by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.

Clerk of the DELAWARE Circuit and Superior Courts

Dated: \_\_\_\_\_, 2020. By: \_\_\_\_\_  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT mailed to Defendant \_\_\_\_\_, was accepted by the Defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Clerk of the DELAWARE Circuit and Superior Courts

Dated: \_\_\_\_\_, 2020. By: \_\_\_\_\_  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within SUMMONS:

1. By delivering on \_\_\_\_\_, 2020, a copy of this SUMMONS, a copy of the COMPLAINT and all other materials filed the same date to each of the within named person(s).

2. By leaving on \_\_\_\_\_, 2020, for each of the within person(s) \_\_\_\_\_ a copy of the SUMMONS, a copy of the COMPLAINT and all other materials filed the same date at the respective dwelling house or usual place of abode of \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the SUMMONS without the COMPLAINT to the said named person(s) at the address listed herein.

3. This SUMMONS came to had this date, \_\_\_\_\_, 2020. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 2020.

ALL DONE IN DELAWARE COUNTY, INDIANA.

SHERIFF OF DELAWARE COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

A copy of the within SUMMONS, a copy of the COMPLAINT and all materials filed the same date attached thereto were received by me at \_\_\_\_\_ in \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 2020.

\_\_\_\_\_  
Signature of Defendant

STATE OF INDIANA )  
 )SS:  
COUNTY OF DELAWARE )

Delaware Circuit Court 1

DELAWARE CIRCUIT/SUPERIOR COURT

Delaware County, Indiana

SITTING IN \_\_\_\_\_, INDIANA

ANNETTE PADGETT

Plaintiff,

v.

Cause No.

ANONYMOUS, DNP, APRN-BC,  
ANONYMOUS, MSW,  
ANONYMOUS INTERN and  
ANONYMOUS SERVICES CORP.

Defendants.

SUMMONS

THE STATE OF INDIANA TO DEFENDANT:

ANONYMOUS, MSW  
WILLIAM KEITH MANSHIP, MSW  
c/o MERIDIAN HEALTH SERVICES CORP.  
240 N. TILLOTSON AVENUE  
MUNCIE, IN 47304

You have been sued by the person(s) identified as "Plaintiff," in the Court stated above.

The nature of the suit against you is stated in the complaint which is attached to this SUMMONS. It also states the demand which the plaintiff has made against you.

You must either personally or by your attorney file your answer to the COMPLAINT with the Clerk within twenty (20) days commencing the day after this SUMMONS and the COMPLAINT were personally served upon you or your agent or left for your by the Sheriff of other process server.

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However, if you or your agent first received the SUMMONS and the COMPLAINT by certified mail, you have twenty-three (23) days from the date of receipt to file your written answer with the Clerk.

If you fail to answer the COMPLAINT of the Plaintiff within the times prescribed herein, judgment will be entered against you for what the Plaintiff has demanded.

If you have a claim against the Plaintiff arising from the same transaction or occurrence, you may be required to assert such claim in writing together with your written answer.

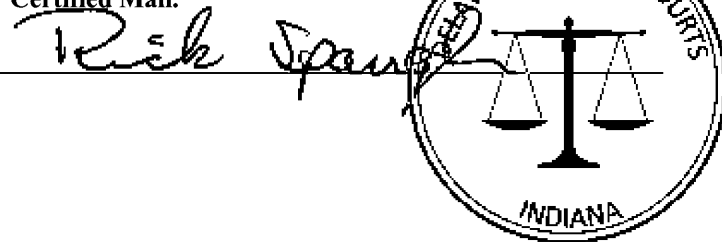
The following manner of service is hereby designated:

Certified Mail.

Counsel for Plaintiff:

Barry D. Rooth, #6418-45  
Holly S.C. Wojcik, # 23197-64  
THEODOROS & ROTH PC  
8750 Broadway, Ste. A  
Merrillville, IN 46410  
219/769-6393

Date:

PREPARATION DATA:

All Summonses are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for each Defendant.

Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each

return receipt, which shall be returnable to the Clerk at the address of the Court.

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, I mailed a copy of this SUMMONS and a copy of the COMPLAINT to the Defendant, by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.

Clerk of the DELAWARE Circuit and Superior Courts

Dated: \_\_\_\_\_, 2020. By: \_\_\_\_\_  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT mailed to Defendant \_\_\_\_\_, was accepted by the Defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Clerk of the DELAWARE Circuit and Superior Courts

Dated: \_\_\_\_\_, 2020. By: \_\_\_\_\_  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within SUMMONS:

1. By delivering on \_\_\_\_\_, 2020, a copy of this SUMMONS, a copy of the COMPLAINT and all other materials filed the same date to each of the within named person(s).

2. By leaving on \_\_\_\_\_, 2020, for each of the within person(s) \_\_\_\_\_ a copy of the SUMMONS, a copy of the COMPLAINT and all other materials filed the same date at the respective dwelling house or usual place of abode of \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the SUMMONS without the COMPLAINT to the said named person(s) at the address listed herein.

3. This SUMMONS came to had this date, \_\_\_\_\_, 2020. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 2020.

ALL DONE IN DELAWARE COUNTY, INDIANA.

SHERIFF OF DELAWARE COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

A copy of the within SUMMONS, a copy of the COMPLAINT and all materials filed the same date attached thereto were received by me at \_\_\_\_\_ in \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 2020.

\_\_\_\_\_  
Signature of Defendant

STATE OF INDIANA )  
 )SS:  
COUNTY OF DELAWARE )

Delaware Circuit Court 1

DELAWARE CIRCUIT/SUPERIOR COURT

Delaware County, Indiana

SITTING IN \_\_\_\_\_, INDIANA

ANNETTE PADGETT

Plaintiff,

v.

Cause No.

ANONYMOUS, DNP, APRN-BC,  
ANONYMOUS, MSW,  
ANONYMOUS INTERN and  
ANONYMOUS SERVICES CORP.

Defendants.

SUMMONS

THE STATE OF INDIANA TO DEFENDANT:

ANONYMOUS, DNP, APRN-BC  
RHONDA PALMER, DNP, APRN-BC  
c/o MERIDIAN HEALTH SERVICES CORP.  
240 N. TILLOTSON AVENUE  
MUNCIE, IN 47304

You have been sued by the person(s) identified as "Plaintiff," in the Court stated above.

The nature of the suit against you is stated in the complaint which is attached to this SUMMONS. It also states the demand which the plaintiff has made against you.

You must either personally or by your attorney file your answer to the COMPLAINT with the Clerk within twenty (20) days commencing the day after this SUMMONS and the COMPLAINT were personally served upon you or your agent or left for your by the Sheriff of other process server.

In the event the SUMMONS and COMPLAINT were left for you and you then receive by first class mail (not certified) a copy of the SUMMONS alone, this mailing is merely a confirmation that the SUMMONS and COMPLAINT were previously left for you. You should not consider the date on which you receive the mailed SUMMONS as the commencement date for the time period allowed for your answer. Rather, the time period allowed for your written answer commences on the date when the SUMMONS and COMPLAINT were first personally served upon you or your agent or left for you by the Sheriff or other process server.

However, if you or your agent first received the SUMMONS and the COMPLAINT by certified mail, you have twenty-three (23) days from the date of receipt to file your written answer with the Clerk.

If you fail to answer the COMPLAINT of the Plaintiff within the times prescribed herein, judgment will be entered against you for what the Plaintiff has demanded.

If you have a claim against the Plaintiff arising from the same transaction or occurrence, you may be required to assert such claim in writing together with your written answer.

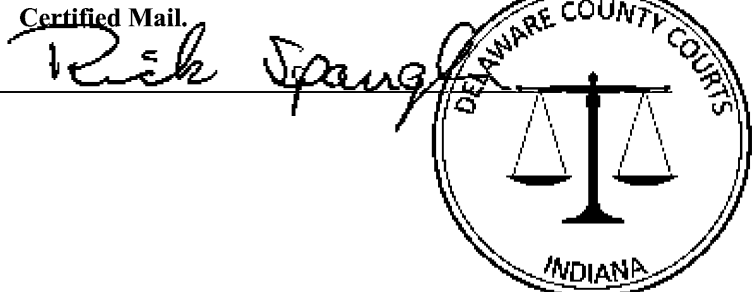
The following manner of service is hereby designated:

Certified Mail.

Counsel for Plaintiff:

Barry D. Rooth, #6418-45  
Holly S.C. Wojcik, # 23197-64  
THEODOROS & ROTH PC  
8750 Broadway, Ste. A  
Merrillville, IN 46410  
219/769-6393

Date:

PREPARATION DATA:

All Summonses are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for each Defendant.

Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each



return receipt, which shall be returnable to the Clerk at the address of the Court.

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, I mailed a copy of this SUMMONS and a copy of the COMPLAINT to the Defendant, by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.

Clerk of the DELAWARE Circuit and Superior Courts

Dated: \_\_\_\_\_, 2020. By: \_\_\_\_\_  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT mailed to Defendant \_\_\_\_\_, was accepted by the Defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that the attached return receipt was received by me showing that the SUMMONS and a copy of the COMPLAINT was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Clerk of the DELAWARE Circuit and Superior Courts

Dated: \_\_\_\_\_, 2020. By: \_\_\_\_\_  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within SUMMONS:

1. By delivering on \_\_\_\_\_, 2020, a copy of this SUMMONS, a copy of the COMPLAINT and all other materials filed the same date to each of the within named person(s).

2. By leaving on \_\_\_\_\_, 2020, for each of the within person(s) \_\_\_\_\_ a copy of the SUMMONS, a copy of the COMPLAINT and all other materials filed the same date at the respective dwelling house or usual place of abode of \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the SUMMONS without the COMPLAINT to the said named person(s) at the address listed herein.

3. This SUMMONS came to had this date, \_\_\_\_\_, 2020. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 2020.

ALL DONE IN DELAWARE COUNTY, INDIANA.

SHERIFF OF DELAWARE COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

A copy of the within SUMMONS, a copy of the COMPLAINT and all materials filed the same date attached thereto were received by me at \_\_\_\_\_ in \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 2020.

\_\_\_\_\_  
Signature of Defendant

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

DELAWARE CIRCUIT COURT 1  
CAUSE NO. 18C01-2010-CT-000111

ANNETTE PADGETT,  
Plaintiff, )  
 )  
v. )  
 )  
ANONYMOUS, DNP, APRN-BC, )  
ANONYMOUS MSW, ANONYMOUS )  
INTERN, and ANONYMOUS SERVICES )  
CORP., )  
Defendants.

**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO ANSWER OR OTHERWISE RESPOND**

The Defendants, by counsel, state for their Unopposed Motion for Extension of Time to Answer or Otherwise Respond, as follows:

1. Defendants were served with the Complaint on October 21, 2020 by certified mail, making a response due on or before November 13, 2020.
2. Defendants request that the time within which they must answer or otherwise respond to the Complaint be extended for 60 days, to and including, January 12, 2021, for the reason that such time is needed for the United States government to assess this claim for coverage under the Federal Tort Claims Act.
3. Plaintiff's counsel Holly S.C. Wojcik has been consulted regarding this Motion and has no objection to the extension.

WHEREFORE, Defendants pray that the Court enter its Order granting Defendants' Motion and extend the time within which Defendants must answer or otherwise plead to January 12, 2021.

Respectfully submitted,

HUNT SUEDHOFF KALAMAROS LLP

/s/ Michael G. Getty

Philip E. Kalamaros (#11722-71)

Michael G. Getty (#17150-49)

*Attorney for Defendants*

301 State Street, PO Box 46

Saint Joseph, MI 49085

Tel: 269.983.4405

Email: [mgetty@hsk-law.com](mailto:mgetty@hsk-law.com)

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing document was filed and served upon all counsel of record via the Court's electronic filing/service system, this 5th day of November, 2020.

/s/ Michael G. Getty

Michael G. Getty

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

DELAWARE CIRCUIT COURT 1

CAUSE NO. 18C01-2010-CT-000111

ANNETTE PADGETT,  
  
Plaintiff,  
  
vs.  
  
ANONYMOUS, DNP, APRN-BC,  
ANONYMOUS MSW, ANONYMOUS  
INTERN, and ANONYMOUS SERVICES  
CORP.,  
  
Defendants.

## ORDER

The Defendants, by counsel, having filed their Unopposed Motion for Extension of Time to Answer or Otherwise Respond, and the Court being duly advised hereby finds that the Motion should be GRANTED.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**, that the time within which Defendants must answer or otherwise respond to the Complaint is hereby extended for 60 days, to and including January 12, 2021.

Date: **November 5, 2020**

*Mariannne Vorhees*  
JUDGE, DELAWARE CIRCUIT COURT 1

Distribution:  
Holly S.C. Wojcik  
Michael G. Getty

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

DELAWARE CIRCUIT COURT 1  
CAUSE NO. 18C01-2010-CT-000111

ANNETTE PADGETT,  
Plaintiff, )  
 )  
v. )  
 )  
ANONYMOUS, DNP, APRN-BC, )  
ANONYMOUS MSW, ANONYMOUS )  
INTERN, and ANONYMOUS SERVICES )  
CORP., )  
Defendants.

**UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME  
TO ANSWER OR OTHERWISE RESPOND**

The Defendants, by counsel, state for their Unopposed Second Motion for Extension of Time to Answer or Otherwise Respond, as follows:

1. Defendants' Answer or other responsive pleading is currently due on January 12, 2021 pursuant to this Court's Order of November 5, 2020 and said time has not yet expired.
2. This claim is governed by the Federal Tort Claims Act and requires the U.S. government's assessment of the claim for coverage of the Defendants under the Act. The U.S. government, by and through the Department of Health and Human Services, needs an additional 14 days to assess the claim and file a responsive pleading, up to and including January 26, 2021.
3. Plaintiff's counsel Holly S.C. Wojcik has been consulted regarding this Motion and has no objection to the extension.

WHEREFORE, Defendants pray that the Court enter its Order granting Defendants' Motion and extend the time within which Defendants must answer or otherwise plead to January 26, 2021.

Respectfully submitted,

HUNT SUEDHOFF KALAMAROS LLP

/s/ Michael G. Getty

Michael G. Getty (#17150-49)

*Attorney for Defendants*

301 State Street, PO Box 46

Saint Joseph, MI 49085

Tel: 269.983.4405

Email: [mgetty@hsk-law.com](mailto:mgetty@hsk-law.com)

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing document was filed and served upon all counsel of record via the Court's electronic filing/service system, this 6th day of January, 2021.

/s/ Michael G. Getty

Michael G. Getty

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

DELAWARE CIRCUIT COURT 1

CAUSE NO. 18C01-2010-CT-000111

ANNETTE PADGETT,  
  
Plaintiff,  
  
vs.  
  
ANONYMOUS, DNP, APRN-BC,  
ANONYMOUS MSW, ANONYMOUS  
INTERN, and ANONYMOUS SERVICES  
CORP.,  
  
Defendants.

## ORDER

The Defendants, by counsel, having filed their Unopposed Second Motion for Extension of Time to Answer or Otherwise Respond, and the Court being duly advised hereby finds that the Motion should be GRANTED.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**, that the time within which Defendants must answer or otherwise respond to the Complaint is hereby extended for 14 days, to and including January 26, 2021.

Date: **January 6, 2021**

*Marianne Vorhees*  
JUDGE, DELAWARE CIRCUIT COURT 1

Distribution:  
Holly S.C. Wojcik  
Michael G. Getty

STATE OF INDIANA	) DELAWARE CIRCUIT/SUPERIOR COURTS
	) SS:
COUNTY OF DELAWARE	) CASE NO.-18C01-2010-CT-000111
	)
ANNETTE PADGETT,	)
	)
Plaintiff,	)
v.	)
	)
ANONYMOUS, DNP, APRN-BC,	)
ANONYMOUS, MSW,	)
ANONYMOUS INTERN, and	)
ANONYMOUS SERVICES CORP.,	)
	)
Defendants.	)

**APPEARANCE**

- (1) Name of parties responding:
- United States of America
- (2) The following undersigned counsel enters his appearance on behalf of the above:
- Name: John E. Childress, Acting United States Attorney  
 By: Shelese M. Woods, Assistant United States Attorney  
 Office of the United States Attorney  
 10 West Market Street, Suite 2100  
 Indianapolis, IN 46204-3048
- Phone: 317-226-6333  
 Fax: 317-226-6125  
 Email Address: Shelese.woods@usdoj.gov
- (3) The United States will not accept service by facsimile.

Respectfully submitted,

JOHN E. CHILDRESS  
 Acting United States Attorney

By: s/ Shelese Woods  
 Shelese Woods  
 Assistant United States Attorney



**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2021, the foregoing was filed electronically. On this same date, I have served a copy of the foregoing upon the following by first class mail, prepaid, and properly addressed to:

Holly S.C. Wojcik  
Barry D. Rooth  
William A. Theodoros  
8750 Broadway, Suite A  
Merrillville, IN 46410

s/ Shelese Woods  
Shelese Woods  
Assistant United States Attorney

Office of the United States Attorney  
10 West Market Street, Suite 2100  
Indianapolis, IN 46204  
(317) 226-6333

STATE OF INDIANA	) DELAWARE CIRCUIT/SUPERIOR COURTS
	) SS:
COUNTY OF DELAWARE	) CASE NO.-18C01-2010-CT-000111
	)
ANNETTE PADGETT,	)
	)
Plaintiff,	)
v.	)
	)
ANONYMOUS, DNP, APRN-BC,	)
ANONYMOUS, MSW,	)
ANONYMOUS INTERN, and	)
ANONYMOUS SERVICES CORP.,	)
	)
Defendants.	)

**NOTICE OF THE UNITED STATES UNDER 42 U.S.C. § 233(l)(1)**

The United States of America, by its attorney, John E. Childress, Acting United States Attorney for the Southern District of Indiana, provides the following notice pursuant to 42 U.S.C. § 233(l)(1):

1. The U.S. Department of Health and Human Services (HHS) notified this office of this state court action against anonymous defendants, further identified as possible employees of Meridian Health Services (“MHS”), an entity described in 42 U.S.C. § 233(g)(4) (a public or non-profit private entity receiving federal funds under section 254b of Title 42 pursuant to the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233(g)-(n) (FSHCAA)), and, employees of MHS.

2. Pursuant to 42 U.S.C. § 233(l)(1), the United States is appearing for the limited purpose of notifying the Court as to whether the Secretary of HHS has advised that MHS or any of the persons named above has been “deemed” to be an “employee of the Public Health Service” with respect to the actions or omissions that are the subject of this civil action.

3. At present, HHS has advised only that the anonymous employees of MHS has been “deemed” to be an “employee of the Public Health Service.” HHS has not yet provided its report as to whether the deemed status of MHS and/or the named persons under 42 U.S.C.

§§ 233(g) and (h) extends to the acts or omissions that are the subject of this civil action. *See* 42 U.S.C. § 233(l)(1). *See* 28 C.F.R. § 15.3; *see also* 60 Fed. Reg. 22,530, 22,531 (May 8, 1995).

4. Once HHS has completed its review and provided its report, the United States Attorney, as the U.S. Attorney General's delegate, will determine whether the acts alleged fall within the scope of 42 U.S.C. § 233(a), the applicable provisions of the FSHCAA, and were otherwise within the scope of MHS' or the individuals' "deemed" employment. *See* 42 U.S.C. § 233(c); 28 C.F.R. § 15.4(b); 60 Fed. Reg. at 22,531. The United States Attorney has not yet been provided with sufficient information to make that determination. If the above-named defendants are so determined to have been deemed employees of the Public Health Service for purposes of the acts or omissions giving rise to this suit, and that they were acting within the scope of their deemed employment, it is anticipated that this action will be removed to federal court pursuant to 28 U.S.C. § 233(c).

Respectfully submitted,

JOHN E. CHILDRESS  
Acting United States Attorney

By: s/ Shelese Woods  
Shelese Woods  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2021, the foregoing was filed electronically. On this same date, I have served a copy of the foregoing upon the following by first class mail, prepaid, and properly addressed to:

Holly S.C. Wojcik  
Barry D. Rooth  
William A. Theodoros  
8750 Broadway, Suite A  
Merrillville, IN 46410

s/ Shelese Woods  
Shelese Woods  
Assistant United States Attorney

Office of the United States Attorney  
10 West Market Street, Suite 2100  
Indianapolis, IN 46204  
(317) 226-6333

STATE OF INDIANA ) DELAWARE CIRCUIT/SUPERIOR COURT  
 )  
 )SS:  
 COUNTY OF DELAWARE ) SITTING IN \_\_\_\_\_, INDIANA

ANNETTE PADGETT )  
 )  
 Plaintiff, )  
 )  
 v. ) Cause No.  
 )  
 ANONYMOUS, DNP, APRN-BC, )  
 ANONYMOUS, MSW, )  
 ANONYMOUS INTERN and )  
 ANONYMOUS SERVICES CORP. )  
 )  
 Defendants.

**COMPLAINT FOR MEDICAL MALPRACTICE**

**COUNT I**

**COMES NOW**, the plaintiff, **ANNETTE PADGETT**, by counsel, and for her cause of action against the defendant, **ANONYMOUS, DNP, APRN-BC ("DNP")**, alleges and says as follows:

1. At all times relevant hereto, **Samuel Al-Samarrie, Deceased** was a patient of **DNP**.
2. At all times relevant hereto, **DNP** was a nurse practitioner duly licensed to practice medicine under the laws of the State of Indiana.
3. On or about October 4, 2018 and continuing through November 17, 2018, **DNP** undertook the care and treatment of **Samuel Al-Samarrie, Deceased**.
4. In caring for and treating **Samuel Al-Samarrie, Deceased**, **DNP** failed to comply with the applicable standards of care proximately causing the death of **Samuel Al-Samarrie, Deceased** on or about November 17, 2018.

5. At all times relevant hereto, the plaintiff, **Annette Padgett** was the Parent and Natural Guardian of **Samuel Al-Samarrie, Deceased**.

6. As a further direct and proximate result of said acts and omissions on the part of **DNP**, the plaintiff, **Annette Padgett**, lost the love and affection of her child, has suffered great emotional distress and mental trauma, and has incurred reasonable medical and related expenses and reasonable funeral and burial expenses.

**WHEREFORE**, the plaintiff, **ANNETTE PADGETT**, prays for damages against the defendant, **ANONYMOUS, DNP, APRN-BC**, as are reasonable in the premises, the costs of this action, pre-judgment interest, and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173

Attorneys for the Plaintiff

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

## **COUNT II**

**COMES NOW**, the plaintiff, **ANNETTE PADGETT**, by counsel, and for her cause of action against the defendant, **ANONYMOUS, MSW ("MSW")**, alleges and says as follows:

1. At all times relevant hereto, **Samuel Al-Samarrie, Deceased** was a patient of **MSW**.

2. At all times relevant hereto, **MSW** was duly licensed to provide healthcare under the laws of the State of Indiana.

3. On or about October 4, 2018 and continuing through November 17, 2018, **MSW** undertook the care and treatment of **Samuel Al-Samarrie, Deceased**.

4. In caring for and treating **Samuel Al-Samarrie, Deceased**, **MSW** failed to comply with the applicable standards of care proximately causing the death of **Samuel Al-Samarrie, Deceased** on or about November 17, 2018.

5. At all times relevant hereto, the plaintiff, **Annette Padgett** was the Parent and Natural Guardian of **Samuel Al-Samarrie, Deceased**.

6. As a further direct and proximate result of said acts and omissions on the part of **MSW**, the plaintiff, **Annette Padgett**, lost the love and affection of her child, has suffered great emotional distress and mental trauma, and has incurred reasonable medical and related expenses and reasonable funeral and burial expenses.

**WHEREFORE**, the plaintiff, **ANNETTE PADGETT**, prays for damages against the defendant, **ANONYMOUS, MSW**, as are reasonable in the premises, the costs of this action, pre-judgment interest, and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173

Attorneys for the Plaintiff

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

**COUNT III**

**COMES NOW**, the plaintiff, **ANNETTE PADGETT**, by counsel, and for her cause of action against the defendant, **ANONYMOUS INTERN ("Intern")**, alleges and says as follows:

1. At all times relevant hereto, **Samuel Al-Samarrie, Deceased** was a patient of **Intern**.

2. At all times relevant hereto, **Intern** was duly licensed or authorized to provide healthcare under the laws of the State of Indiana.

3. On or about October 4, 2018 and continuing through November 17, 2018, **Intern** undertook the care and treatment of **Samuel Al-Samarrie, Deceased**.

4. In caring for and treating **Samuel Al-Samarrie, Deceased**, **Intern** failed to comply with the applicable standards of care proximately causing the death of **Samuel Al-Samarrie, Deceased** on or about November 17, 2018.

5. At all times relevant hereto, the plaintiff, **Annette Padgett** was the Parent and Natural Guardian of **Samuel Al-Samarrie, Deceased**.

6. As a further direct and proximate result of said acts and omissions on the part of **Intern**, the plaintiff, **Annette Padgett**, lost the love and affection of her child, has suffered great emotional distress and mental trauma, and has incurred reasonable medical and related expenses and reasonable funeral and burial expenses.

**WHEREFORE**, the plaintiff, **ANNETTE PADGETT**, prays for damages against the defendant, **ANONYMOUS INTERN**, as are reasonable in the premises, the costs of this action, pre-judgment interest, and for all other just and proper relief in the premises.



Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173

Attorneys for the Plaintiff

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

#### **COUNT IV**

**COMES NOW**, the plaintiff, **ANNETTE PADGETT**, by counsel, and for her cause of action against the defendant, **ANONYMOUS SERVICES CORP. ("Corp.")**, alleges and says as follows:

1. At all times relevant hereto, **Samuel Al-Samarrie, Deceased** was a patient of **Corp.**
2. At all times relevant hereto, **Corp.** was a corporation duly organized under the laws of the State of Indiana.
3. At all times relevant hereto, **ANONYMOUS, DNP, APRN-BC, ANONYMOUS, MSW, ANONYMOUS INTERN** and the skilled agents, apparent agents, employees and personnel of **Corp.** were acting within the scope of their agency, apparent agency and employment relationship with **Corp.**
4. On or about October 4, 2018 and continuing through November 17, 2018, **Corp.** and its agents, apparent agents, employees and personnel cared for and treated **Samuel Al-Samarrie, Deceased**.

5. In caring for and treating **Samuel Al-Samarrie, Deceased, ANONYMOUS, DNP, APRN-BC, ANONYMOUS, MSW, ANONYMOUS INTERN**, and the agents, employees and personnel of **Corp.**, while acting within the scope of their agency and employment relationship with **Corp.**, failed to comply with the applicable standards of care proximately causing the death of **Samuel Al-Samarrie, Deceased** on or about November 17, 2018.

6. At all times relevant hereto, the plaintiffs, **Annette Padgett**, was the Parent and Natural Guardian of **Samuel Al-Samarrie, Deceased**.

7. As a further direct and proximate result of said acts and omissions on the part of **Corp.**, the plaintiff, **Annette Padgett**, lost the love and affection of her child, has suffered great emotional distress and mental trauma, and has incurred reasonable medical and related expenses and reasonable funeral and burial expenses.

**WHEREFORE**, the plaintiff, **ANNETTE PADGETT**, prays for damages against the defendant, **ANONYMOUS SERVICES CORP.**, as are reasonable in the premises, the costs of this action, pre-judgment interest, and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173-49

Attorneys for the Plaintiff

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

Merrillville, IN 46410

(219) 769-6393

**JURY DEMAND**

***COMES NOW*** the plaintiff, by counsel, and demands trial by jury.

Respectfully submitted,

/s/ Holly S.C. Wojcik

Holly S.C. Wojcik, # 23197-64

Barry D. Rooth, # 6418-45

William A. Theodoros, #32173-49

Attorneys for the Plaintiffs

**THEODOROS & ROTH, P.C.**

8750 Broadway, Ste. A

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(219) 769-6393